

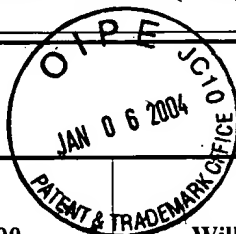
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TRANSMITTAL OF APPEAL BRIEF (Large Entity)

18/2642/15

Docket No.
ITL.0780US

In Re Application Of: **Edward O. Clapper**



Serial No.
09/745,703

Filing Date
December 21, 2000

Examiner
William J. Deane, Jr.

Group Art Unit
2642

Invention:
ORIGIN-INDEPENDENT CUSTOM CALLER ID

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TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on November 10, 2003

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Mark J. Rozman
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: EDWARD O. CLAPPER

Serial No.: 09/745,703

Filed: December 21, 2000

For: ORIGIN-INDEPENDENT CUSTOM
CALLER ID

§ Group Art Unit: 2642

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Examiner: William J. Deane, Jr.

Atty. Dkt. No.: ITL.0780US (P10477)

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Mail Stop Appeal Brief-Patents
Commissioner for Patents
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Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Applicant respectfully appeals from the final rejection mailed August 13, 2003.

I. REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation, the assignee of the present application by virtue of the assignment recorded at Reel/Frame 011549/0515.

II. RELATED APPEALS AND INTERFERENCES

None.

III. STATUS OF THE CLAIMS

The application was originally filed with claims 1-31. Claims 1-4, 6-15 and 32-34 are presently pending. Claims 1-4, 6-15 and 32-34 are the subject of this appeal.

IV. STATUS OF AMENDMENTS

All of the amendments prior to the final rejection have been entered.

01/09/2004 WABDELRI 00000011 09745703

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I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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V. SUMMARY OF THE INVENTION

FIG. 1 illustrates a system 10 including a communication network 12, and a first communication device 14 and a second communication device 16 coupled to the communication network. The first communication device includes a communication interface 18 via which the communication device is coupled to the communication network. It further includes, in some embodiments, an input device 20 and an output device 22, coupled to the communication interface. The second communication device includes a communication interface 28 for connecting the device to the communications network, and in some embodiments, an input device 30 and an output device 32, coupled to the communication interface.

The communication network includes one or more communication interfaces 38 for connecting to the communication devices. It further includes a communication routing mechanism 40 which directs communications from one communication device to a desired one(s) of the possibly myriad other communications devices. The communication routing mechanism may be a circuit-switched system, a packet-switched system, or other suitable mechanism. See Specification, p. 3.

The communication network further includes an ID service 42 which provides the identification of one communication device to another communication device. In one embodiment, the communication network may be a telephone network, and the global ID service may be the set of services and mechanisms which provide “caller ID”. In another embodiment, the communication network may be the internet, and the global ID service may be the set of services and mechanisms which support “instant messaging”. In other embodiments, the communication network may be a wireless PDA or pager network or the like.

In addition to the global ID service, the communication network includes a custom ID service 44. The functionality of the custom ID service will be described in detail below. In various embodiments, the custom ID service may be constructed as a separate entity from the global ID service, while in others, it may be constructed as a sub-service within the global ID service.

FIG. 2 illustrates one embodiment of a differently-configured system 50 utilizing this invention. The system includes a communication network 52 which includes communications interfaces for connecting to a plurality, and typically a large number, of communications devices. The communication network includes a communication routing mechanism and a conventional ID service 54. See Specification, p. 4.

The custom ID service includes a communication interface 62 for connecting to the communication network. The custom ID service also includes an ID checker 64 and an ID modifier 66 which may be coupled to the communication interface and/or to each other.

FIG. 3 illustrates one embodiment of a method of the operation of the system of FIG. 1, to which the reader should also make reference. The method will be explained with reference to a “caller ID” embodiment, but the reader will appreciate that this is by way of illustration and not limitation. The method begins with a user initiating a call to a specified destination (80). If (81) the user is calling from a phone with an unknown or indeterminate caller ID, or if (82) the user inputs a command to indicate that she wishes to override the default caller ID of that phone, the system prompts (85) the user for her personal identification number (PIN) or other suitable identification, which the user inputs (86) through the phone’s input device (20). She may do this by entering her PIN on the phone’s keypad, or by speaking her pin or password into the

telephone system's voice recognition system (not shown), by swiping her calling card through the phone's credit card slot, or the like.

In some embodiments, the system may enable the user to skip some of those steps by simply inputting her PIN (83). In some embodiments, if the user does none of those, the invention is not invoked, and the system routes the call normally and provides its usual caller ID information (84) to the destination phone. But if the invention is invoked, the custom ID service may require (87) that the user enter a valid PIN or the like. Depending upon the level of security and verifiability which the application requires, the custom ID service may implement various types and degrees of security. In some cases, it may be sufficient that the user has entered a unique PIN number.

If the user inputs a valid PIN or other such identifying information, the custom ID service may look up (88) the user's custom ID information in a database (not shown). The custom ID service may optionally (89) prompt the user to enter alternative information to that stored as the user's default. This may include enabling the user to pick from one or more preset sets of custom ID information. Those may be configurable by the user, or they may be set by the custom ID service.

Ultimately (90), the call is routed to the specified destination, and the system presents the user's selected custom ID information (whether that be the default, preset, or newly-entered information) to the destination phone. See Specification, pp. 4-6.

FIG. 4 illustrates one exemplary method of operating the system of FIG. 2. The method begins (92) with the user (at phone 14) initiating a call not directly to the ultimate destination phone (16), but rather to the phone number of the custom ID service provider (60). The custom ID service prompts (93) the user for her PIN, which the user provides (94), and the custom ID

service validates (95). Once a valid identity has been established, the custom ID service may (96) lookup the user's custom ID information in a database (not shown), and may prompt the user for alternative text, which may include one or more preset messages (97). Once the custom ID information has been selected, the custom ID service re-routes the call, such as by (98) conferencing it or forwarding it, to the destination phone, providing with the call the custom ID information.

In some embodiments, it may be desirable or necessary for the custom ID service to cooperate or negotiate with the communication network. For example, in some embodiments, the communication network might otherwise present the custom service ID service's caller ID, rather than the calling person's custom ID information, to the recipient – unless the communication network and custom ID service have an arrangement to enable the substitution of the desired information.

FIG. 5 illustrates another embodiment, in which the custom ID information or messages may be pre-programmed into a “message card” 100 (or into the custom ID service for use with a uniquely-identified message card), which could be sold to a user; the user might phone the destination phone or the custom ID service, swipe the message card or enter its serial number, and the custom ID service might in response cause the destination phone to display e.g. “I love you” or “I have left the office, home soon” or what have you; it might even do this without the regular voice portion of the call being completed, resulting in a “call-less call” which transmits only the custom ID information. See Specification, pp. 6-7.

FIG. 6 illustrates one embodiment of a method of operating a system, such as that of FIG. 1 or FIG. 2, in conjunction with the message card of FIG. 5. The operation begins with the user initiating a call (110). If (111) the message card is used up, or, in other words, if there are no

remaining calls or minutes or money on the card, then the operation may terminate (112) unless the user pre-pays for additional usage, such as by authorizing a credit card charge or the like. If there is pre-paid usage remaining or newly authorized, then if (113) the message card requires user authentication or, in other words, if possession of the card is not sufficient, then the user is authenticated (114) such as by entering a password or PIN. Once the usage has been authorized, then if (115) the calling destination is not pre-specified, the user enters the calling destination (116) such as via the phone's keypad.

If (117) the card specifies a fixed message, that message is sent (118). In some embodiments, the fixed message may be printed on the face of the card. If, however, there is no fixed message, then if (119) there are one or more predetermined messages from which the user may select, the user selects (120) one or more of the predetermined messages, which are sent (118). Some or all of the predefined messages may be printed on the card, and the user may select one or more of them, such as by entering their number(s) on the keypad or other suitable entry means. If there are no predetermined messages, the user manually enters (121) the message such as by entering it into the keypad or by speaking it to a voice recognition system or to an operator, and the message is sent (118) to the destination communication device. In another embodiment, the list of predetermined messages may include a "tbd" message which, when selected by the user, causes the system to prompt the user and enable the user to manually enter a non-predetermined message. If (122) the communication is to also include conventional usage of the communication devices, such as a spoken phone call, then the call is connected (123) from the calling phone to the destination phone. See Specification, pp. 8-9.

VI. ISSUES

- A. Are Claims 1-2 and 6-9 Patentable Under 35 U.S.C. §102(b) Over Tannenbaum?**
- B. Is Claim 3 Patentable Under 35 U.S.C. §102(b) Over Tannenbaum?**
- C. Is Claim 4 Patentable Under 35 U.S.C. §102(b) Over Tannenbaum?**
- D. Are Claims 10-13 and 15 Patentable Under 35 U.S.C. §102(b) Over Tannenbaum?**
- E. Is Claim 14 Patentable Under 35 U.S.C. §102(b) Over Tannenbaum?**
- F. Are Claims 32-34 Patentable Under 35 U.S.C. §102(b) Over Tannenbaum?**

VII. GROUPING OF THE CLAIMS

The claims do not stand or fall together. For purposes of this appeal, Applicant has grouped together claims 1-2 and 6-9; claims 10-13 and 15; and claims 32-34, as set forth above.

VIII. ARGUMENT

A. Claims 1-2 and 6-9 Are Patentable Under 35 U.S.C. §102(b) Over Tannenbaum

Claims 1-4 and 6-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,901,209 (Tannenbaum). This rejection is improper. Claim 1 recites a method for receiving a communication to a called party at a specified destination from a first communication device that has first identifying information; authenticating a user of the first communication device; and replacing the first identifying information with second identifying information.

With regard to claim 1, Tannenbaum does not disclose, at least, receiving a communication to a called party at a specified destination from a first communication device or authenticating a user of the first communication device. In this regard, the system (i.e., first communication device) of Tannenbaum is a predictive dialer, which transmits calls directly to a specified destination (i.e., a called party), and then connects an agent into the call if the call is

successful. Thus, the agent of Tannenbaum is not a user of the first communication device, and accordingly, there is no user of the first communication device to authenticate. Thus, for at least these reasons, claim 1 and claims 2-4 and 6-9 depending therefrom are patentable over Tannenbaum and the rejection should be reversed.

B. Claim 3 Is Patentable Under 35 U.S.C. §102(b) Over Tannenbaum

Claim 3 depends from claim 1 and further recites receiving the second identifying information from the user via the first communication device. Claim 3 is further patentable over Tannenbaum as nowhere does Tannenbaum disclose that the second identifying information be received from a user (e.g., the agent of Tannenbaum). Instead, Tannenbaum discloses that any second identifying information is obtained from a database of the system. Thus the rejection of claim 3 should be reversed.

C. Claim 4 Is Patentable Under 35 U.S.C. §102(b) Over Tannenbaum

Claim 4 depends from claim 3 and further recites prompting the user to enter the second identifying information. For the same reasons discussed immediately above as to claim 3 (*see* VIII.B), dependent claim 4 is patentable over Tannenbaum. Claim 4 is further patentable, as nowhere does Tannenbaum disclose prompting a user to enter such second identifying information. Thus the rejection should be reversed.

D. Claims 10-13 and 15 Are Patentable Under 35 U.S.C. §102(b) Over Tannenbaum

Independent claim 10 is a method claim that recites receiving a communication from a first communication device; authenticating a user thereof; pursuant to authentication, selecting custom ID information; connecting the communication to a second communication device; and delivering the custom ID information to the second communication device. Claim 10 and claims 11-13 and 15 depending therefrom stand rejected as being anticipated by Tannenbaum. This rejection is improper.

With respect to claim 10, Tannenbaum does not disclose, at least, receiving a communication from a first communication device and connecting the communication from the first communication device to a second communication device. In this regard, to the extent an agent logging into predictive dialing system 10 is considered to be a communication, such communication is not connected from a first communication device to a second communication device. That is, as disclosed by Tannenbaum, all calls are initiated and connected from the predictive dialing system 10 to a target party. If successful, then a link is established between the target party and an available agent from a pool of agents. No call from an agent is first received, then authentication and ID selection performed, then connection of the same communication to a second communication device occurs in Tannenbaum. Accordingly, for at least this reason, claims 10-13 and 15 are patentable, and the rejection should be reversed.

E. Claim 14 Is Patentable Under 35 U.S.C. §102(b) Over Tannenbaum

Claim 14 depends from claim 10 and further recites receiving the custom ID information from the user via the first communication device. For the same reasons discussed regarding claim 10 (*see* VIII.D), dependent claim 14 is patentable over Tannenbaum. Claim 14 is further patentable, as nowhere does Tannenbaum disclose receiving custom ID information from a user. Thus the rejection should be reversed.

F. Claims 32-34 Are Patentable Under 35 U.S.C. §102(b) Over Tannenbaum

Independent claim 32 recites an apparatus that includes a plurality of communication interfaces to couple a first and second communication device to the apparatus; a communication router to route a call directed from the first communication device to the second communication device; and a custom identification service to receive an identification associated with a call and to provide a custom identification to the second communication device. Claim 32 and claims 33 and 34 stand rejected over Tannenbaum. This rejection is improper.

With regard to claim 32, nowhere does Tannenbaum disclose a communication router to route a call directed from a first communication device to a second communication device. In this regard, the predictive dialer system 10 of Tannenbaum itself is responsible for initiating telephone calls to a called party (i.e., to a second communication device). To the extent that an agent having a first communication device is linked into a call, such linking is done after the predictive dialer itself connects a call to a second communication device. Thus, Tannenbaum does not disclose a call directed from a first communication device to a second communication device. As such, Tannenbaum also does not disclose a custom identification service to receive an identification associated with such a call and to provide a custom identification to the second communication device with the call. For at least these reasons claims 32-34 are patentable over Tannenbaum, and the rejection should be reversed.

IX. CONCLUSION

Since the rejections of the claims are baseless, they should be reversed.

Respectfully submitted,

Date: December 31, 2003



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APPENDIX OF CLAIMS

The claims on appeal are:

1. A method comprising:

receiving a communication to a called party at a specified destination from a first communication device, the communication having associated therewith first identifying information;

authenticating a user of the first communication device; and

replacing the first identifying information with second identifying information.

2. The method of claim 1 further comprising routing the communication to the specified destination.

3. The method of claim 1 further comprising:

receiving the second identifying information from the user via the first communication device.

4. The method of claim 3 further comprising:

prompting the user to enter the second identifying information.

6. The method of claim 1 wherein authenticating the user comprises:

receiving from the user via the first communication device authentication data;

and

comparing the authentication data against a set of known authentic data.

7. The method of claim 6 wherein the authentication data comprise a PIN.

8. The method of any of claims 1-7 further comprising:

connecting the communication to a second communication device; and

presenting the second identifying information to the second communication device.

9. The method of any of claims 1-7 wherein:
- the method is performed in a telephone network;
 - the first identifying information comprises caller ID information; and
 - the method further comprises,
 - connecting the communication to a second communication device, and
 - presenting the second identifying information to the second communication device.
10. A method comprising:
- receiving a communication from a first communication device;
 - authenticating a user of the first communication device;
 - pursuant to authentication of the user, selecting custom ID information;
 - connecting the communication from the first communication device to a second communication device; and
 - delivering the custom ID information to the second communication device.
11. The method of claim 10 further comprising:
- receiving from the user a first input to override a first ID information associated with the first communication device; and
 - the delivering of the custom ID information replaces the first ID information with the custom ID information.
12. The method of claim 10 wherein the authenticating of the user comprises:
- receiving from the user a second input which the user has entered at the first communication device; and
 - comparing the second input against a set of known valid data.

13. The method of claim 10 further comprising:
- receiving from the user a third input to select the custom ID information from a plurality of pre determined data.
14. The method of claim 10 further comprising:
- receiving the custom ID information from the user via the first communication device.
15. The method of any of claims 10-14 wherein the method is performed in a caller ID service of a telephone network.
32. An apparatus comprising:
- a plurality of communication interfaces to couple a first communication device and a second communication device to the apparatus;
- a communication router to route a call directed from the first communication device to the second communication device; and
- a custom identification service coupled to the communication router to receive an identification associated with the call and to provide a custom identification to the second communication device with the call.
33. The apparatus of claim 32, wherein the custom identification service comprises a database.
34. The apparatus of claim 32, wherein the database includes a plurality of custom identifications associated with a user of the first communication device.